

Howard County

a. Order Appointing Counsel for Minor Child

Plaintiff ** IN THE
vs. * CIRCUIT COURT
* FOR
Defendant * HOWARD COUNTY
* Case No.

* * * * *

ORDER APPOINTING COUNSEL FOR A MINOR CHILD

UPON CONSIDERATION of the best interests of the child(ren) in this matter, pursuant to Md. Rule 9-205.1, it is this _____ day of _____, 200__ by the Circuit Court for Howard County, Maryland, hereby

ORDERED that, , Esquire, , is hereby appointed as a Best Interest Attorney in accordance with Maryland Rules of Procedure Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access. A Best Interest Attorney is a court-appointed lawyer who provides independent legal services for the purpose of protecting a child's best interests, without being bound by the child's directives or objectives. It is further,

ORDERED, that, , , is hereby appointed as a Child Advocate pursuant to the Maryland Rules of Procedure Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access. A Child Advocate is a court-appointed lawyer who provides independent legal counsel for a child and who owes the same duties of undivided loyalty, confidentiality, and competent representation as are due an adult client. It is further,

ORDERED, that, , is hereby appointed as a Child(ren)'s Privilege Attorney pursuant to the Maryland Rules of Procedure Guidelines for Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access. A Child(ren)'s Privilege Attorney is a lawyer appointed in accordance with *Nagle v. Hooks*, 296 Md. 123 (1983), to decide whether to assert or waive, on behalf of a minor child in a custody action, any statutory privilege. It is further

ORDERED, that the attorney appointed herein shall provide:

1. (Child's Privilege Attorney) A written document/line asserting or waiving the privilege, to be filed on or before _____. It is further

ORDERED, that the parties shall fully cooperate with the attorney appointed herein in the performance of the duties instructed by this Court. It is further,

ORDERED, that the attorney appointed herein shall have reasonable access to: and to all otherwise privileged or confidential information, including but not limited to any protected health information, about the child(ren), without the necessity of any further Order of Court. The attorney's access to privileged and confidential information shall be without the necessity of a signed release, including medical, dental, psychiatric/psychological, social services, drug and alcohol treatment, law enforcement and educational records and information. It is further

ORDERED, that the attorney appointed herein shall be compensated as follows:
(choose one)

1. Payment into attorney's trust account. Plaintiff is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of (\$) within 10 days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party.
2. Payment into attorney's trust account. Defendant is hereby directed to pay the attorney appointed herein, for deposit into the attorney's trust account, the sum of (\$) within 10 days of the date of this Order as an initial contribution towards the attorney's fees in performance of the services identified herein. The attorney is authorized to draw from the trust account as the fee is earned, upon submission of an itemized monthly statement to the court, counsel, and any unrepresented party.
3. Final allocation of fees shall be determined by the Court at a hearing on the merits of this case or upon the Petition of the attorney appointed herein.
4. The attorney appointed herein shall submit a bill for services to the Court at the conclusion of the case, or upon earlier motion.
5. The attorney appointed herein shall provide representation on a pro-bono basis.

6 Upon this appointment, the attorney appointed herein has agreed to bill parties at an hourly rate of two hundred dollars (\$200.00) for the first ten working hours. If the appointment requires more than ten working hours, the attorney is permitted to bill his or her hourly rate for any additional fees; and it is further,

ORDERED that absent further Order of this Court, the attorney appointed herein shall not be required to participate in any appeal in this matter.

ORDERED that although the minor child(ren) are not parties to this action, the attorney appointed herein shall be entitled to engage in discovery as part of the performance of the duties assigned herein, and to file motions or seek order as appropriate in the fulfillment of the duties appointed herein. It is further,

ORDERED, that within ten (10) days of the date of this Order, counsel for Plaintiff, or Plaintiff shall provide to the attorney appointed herein copies of all pleadings and papers filed in the above action and any correspondence between the parties or counsel for the parties. It is further,

ORDERED, that within ten (10) days of the date of this Order, each party is provide the attorney appointed herein the names and known addresses and telephone numbers of any and all mental health providers who have evaluated or treated the child(ren) and anyone else with whom the child(ren) may have a privilege pursuant to the Statute. It is further,

ORDERED, that the attorney appointed herein shall not have any ex parte communications with the Court. In addition, the attorney/client privilege shall be respected at all times. As such, the attorney appointed herein may not speak to the parties without the prior permission of their respective attorneys, and the attorneys for the parties may not speak with the child(ren) without the prior permission of the attorney appointed herein.

JUDGE

cc:
Court File

